



December 12, 2022

Via ECF

Honorable Robert W. Lehrburger
Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

*Re: Avalon Holdings Corporation v. Gentile and New Concept Energy v. Gentile,
1:18-cv-08896-DLC-RWL, and 1:18-cv-07291-DLC-RWL*

Dear Judge Lehrburger:

We submit this letter in response to Plaintiffs' supplemental motion to compel a second deposition of Robert Christian. We respectfully request that any second deposition of Mr. Christian's be stayed in light of the ongoing stay as to MintBroker. [Avalon, ECF 178; New Concept, ECF 167]. Mr. Christian was employed as an expert to calculate the amount of MintBroker's alleged short-swing profits. His deposition testimony is intrinsically tied to information specific to MintBroker, which was made clear by the questioning pursued by Plaintiffs' counsel during the four-hour deposition of Mr. Christian already conducted. Because these matters are stayed as to Mintbroker and Mr. Christian is only able to provide testimony as to the amount of Mintbroker's short-swing profits, we request that any additional deposition of Mr. Christian be stayed during the pendency of the ongoing stay as to MintBroker.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A.C. Ford".

Adam C. Ford